

ORDINANCE NUMBER 1716

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1666, THE COMPREHENSIVE PLAN; AND AMENDING THE COMPREHENSIVE PLAN MAP FOR SPECIFIC REAL PROPERTY (CPA-91-03).

WHEREAS, the subject property was annexed to the City of Milwaukie in 1988 but still retains a Clackamas County Comprehensive Plan Designation; and

WHEREAS, the policies of the City of Milwaukie promote provisions for consistent service delivery and policy implementation for all annexed properties; and

WHEREAS, the proposed Comprehensive Plan status change has been reviewed and found to be supported by the findings below,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of Fact in support of the proposed amendment are attached and incorporated herein as Exhibit A.

Section 2. Comprehensive Plan Map Amendment. Map 7 (Land Use Plan) of Ordinance 1666 is amended as follows:


a. Change the status of the following described real property from Clackamas County Low Density Residential to City of Milwaukie Low Density Residential Plan Designation:

"Tax Map T1S R2E 30DB, Tax Lots 1900 and 2700"

This property is shown on Exhibit B.

Read the first time on January 7, 1992, and moved to second reading by unanimous vote of the City Council.

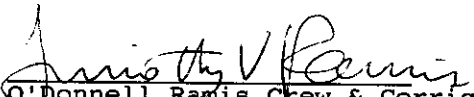
Read the second time and adopted by the City Council on January 7, 1992.


Craig Lomnicki, Mayor

ATTEST:


City Recorder

Approved as to form:


O'Donnell Ramis Crew & Corrigan
City Attorney

Findings for CPA-91-03 - Exhibit A

1. This proposal is to apply a City Plan designation to a recently annexed area which currently carries a Clackamas County Plan designation and zoning. The property in question is 5433 and 5441 SE Willow; Tax Lots 1900 and 2700 of Tax Map T1S R2E 30DB.
2. This proposal will follow the Major Quasi-Judicial review process of Section 1011.4 of the City Zoning Ordinance.
3. Criteria for this proposal are found in the Plan amendment criteria of Policy 7, Objective 1 of the Plan Review and Amendment Process Chapter; and Objective 2, Policies 1 and 2 of the Residential Land Use and Housing Element of the City Comprehensive Plan.
4. The Clackamas County Plan-Residential Section identifies this area as Low Density Residential.

The County Low Density Residential designation identifies the following key characteristics for Low Density Residential areas:

- a. Average density of 6 units per gross acre.
 - b. The area is Low Density in current development pattern.
 - c. Limited to local or collector street access.
 - d. Environmental factors may be present to necessitate a lower density.
 - e. Fulfills a need for Low Density (i.e. single family) housing.
5. The Milwaukie Low Density Residential designation primary characteristics are as follows:
- a. Density range of 0-6.7 units per net acre.
 - b. Single family detached housing is predominant.
 - c. The area is Low Density in current development pattern.
 - d. Limited to local or collector street access.
 - e. Environmental factors may be present to necessitate a lower density.
6. The City and County Low Density Residential designation characteristics, upon comparison of Findings 4 and 5, are equivalent with one minor exception. The County designation allows an average density of 6 units per gross acre and the City designation allows up to 6.7 units per net acre. No other City Plan designation approaches 6 units per acre.
7. The property in question meets the Low Density characteristics in that:
- a. The current site density is slightly less than one unit per acre, well within the 0 to 6/6.7 unit per acre range.
 - b. Surrounding lots (see Exhibit 1) are of sizes also falling within the Low Density range. This range allows a minimum lot size of approximately 6500 square feet.
 - c. The primary access to this area is SE Willow St., a local street off Stanley Ave.
 - d. The high water table of the area is a natural deterrent to higher residential densities due to soil stability and storm drainage concerns.

8. Plan amendment criteria referenced in Finding 3 are addressed as follows:

- a. **Conformance with the Comprehensive Plan, its goals and policies, and spirit.**

Findings 4-7 address relevant policies of both the City and County Comprehensive Plans. This proposal is a status change rather than a density change, therefore, the scope of policy applicability is limited.

- b. **Public need for the change.**

Objective 2 of the Plan Review and Amendment Process Chapter promotes Plan implementation practices (zone changes, amendments, etc.) leading toward consistency with Plan intent. Public need is best served in this case, by providing policy direction (i.e. City Plan designation) consistent with existing City Plan designations of the area.

- c. **Public need is best satisfied by this particular change.**

Finding 4-7 have shown that the City/County Low Density designation are consistent in intent and that the City Low Density designation proposed for this property is consistent with the designation and development patterns of the area. Public need is best satisfied by the maintenance of area development consistency.

- d. **The change will not adversely affect the health, safety, and welfare of the community.**

No potential conflicts have been identified by this proposed status change. City public facilities and services are available to the site. The ultimate site development proposal (10 lot subdivision) will benefit the area through improved traffic circulation by providing street connection between Winsor Place and Willow Street. Specific site development is appropriately addressed at the time the subdivision proposal is reviewed.

- e. **The change is in conformance with applicable Statewide Planning Goals.**

This proposal does not affect Statewide Planning Goals as the amendment is only a change of status from County to City. In addition, ORS 197.175 and 215.170 authorize transfer of County to City jurisdiction for annexed areas subject to City/County Urban Growth Management Agreement (UGMA) or Plan language authorization. The proposal is consistent with the current City/County UGMA, effective July 5, 1990.

9. CPA-91-03 meets applicable Plan Amendment criteria as discussed in Finding 8.

10. As required by the City's Major Quasi-Judicial review process, the Planning Commission held a public hearing on December 10, 1991, recommending approval of CPA-91-03 to the City Council. The City Council held its public hearing on January 7, 1992.

